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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,552	03/03/2000	Gavin S. H. Cheng	004747.P001	5674

7590

07/09/2003

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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 07/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/518,552

Applicant(s)

CHENG, GAVIN S. H.

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1 - 34 are presented for examination.

#### *Claim Objections*

2. Claims 5, 6, 9, and 12 are objected to because they are written in such a manner that they depend on themselves. For example claim 12 reads, "The method of claim 12,..." Examiner requests the errors to be corrected but has made efforts to interpret the claims as the applicant may have intended.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 27-34 refer to limitations in the parent claims and lack the antecedents. (For example, Claim 27 incorrectly refers to a "machine-readable media of claim 24.") There is insufficient antecedent basis for these claims. Examiner has made efforts to interpret the claims as the applicant may have intended.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-34 are rejected under 35 USC 103(a) over Lefkowitz, ("Lefkowitz," US-6,091,417) in view of Spiegel et al, ("Spiegel," US-6,466,918 B1).

8. As per claim 1, Lefkowitz teaches the invention substantially as claimed including the method comprising:

executing a 3D viewing environment module to display a portal site in a 3D viewing environment (*graphical user interface with physical structure*) (Fig. 3; col. 2, lines 55-57);

receiving a selection of a first site from a user (*sub-region is activated*); the first site identified by a first resource locator and designated by the user in the portal site (col. 1, line 65 – col. 2, line 3)

generating a request for a first resource from a first site, the request including the first resource locator and to be sent to the data network (*web site is imported*); and

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receiving a first display suitable for the 3D viewing environment (col. 1, line 65 – col. 2, line 3; col. 3, lines 21-22).

Lefkowitz does not specifically teach the step of showing a display representing the respective popularity of a number of servers in a predefined time period. However, Spiegel teaches the method of receiving a display suitable for viewing in an internet environment, representing the respective popularity of Web resources in a predefined time period (col. 1, lines 60-65, col. 2, lines 9-25; col. 2, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz and Spiegel in order to provide users with a means to quickly identify popular web resources of interest.

9. As per claim 2, Lefkowitz teaches the method of displaying the portal site substantially close to the first display so that the user can see at least a portion of the portal site (*first frame (original site) is always viewable*) (col. 3, lines 15-24).

10. As per claim 3, Lefkowitz teaches the method wherein the second display illustrates graphically a trickling feeding to each of the servers to appeal to the user to visit one of the servers (*information area of graphical image used for posting sales, announcements and special events*) (col. 3, lines 57-62).

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11. As per claim 4, Lefkowitz teaches the method substantially as claimed including a method of facilitating access to web sites comprising: providing a designated portal site after receiving a request from a computing device over a data network (*computer connected to a network*) (col. 1, lines 54-60), the designated portal including a plurality of identifiers, each identifying a server over the data network (*sub-graphical regions representing stores in the shopping mall*) (col. 1, lines 60-65, col. 3, lines 36-37), wherein the computing device is executing a 3D viewing environment module so that a user can interact with the data network in a 3D viewing environment; and transmitting to the computing device a display suitable for the 3D viewing environment (col. 1, line 65 – col. 2, line 3; col. 3, lines 21-22).

Lefkowitz does not specifically teach the step of showing a display representing the respective popularity of a number of servers in a predefined time period. However, Spiegel teaches the method of receiving the display representing the respective popularity of web resources in a predefined time period (col. 1, lines 60-65, col. 2, lines 9-25; col. 2, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz and Spiegel because Spiegel's method of displaying popularity criterion allows users to identify popular web resources of interest.

12. As per claim 5, Spiegel teaches the method comprising statistically measuring a number of visits to the servers to account for the popularity of each of the servers (*number of times the items were viewed*) (col. 2, lines 9-15).

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13. As per claim 6, Spiegel teaches the method wherein at least some of the servers are pre-designated so that the popularity of each of the at least some of the servers is included in the display (*23 Bestsellers in College Basketball*) (110, Fig. 1A).

14. As per claim 7, Lefkowitz teaches the method wherein transmitting a display to the computing device occurs only when the user selects one of the identifiers (*web site is imported upon activation of the appropriate sub-region*) (col. 1, line 65-col. 2, line 3).

15. As per claim 8, Lefkowitz teaches the invention substantially as claimed including the method of facilitating access to Web pages, the method comprising: providing a first three-dimensional module interface to receive requests for Web pages (*graphical user interface with physical structure*) (Fig. 3; col. 2, lines 55-57); in response to receiving a request for a first Web page, providing a second 3D module interface including a set of links to a plurality of separate Web pages (*web site is imported upon activation of the appropriate sub-region*) (col. 1, line 65-col. 2, line 3).

Lefkowitz does not specifically teach the step of each link of the plurality of separate Web pages to include a representation of a number of visits to each of the separate Web pages. However, Spiegel teaches the step of including a representation of a number of visits to each of the separate resources (*number times the item was viewed*) (col. 2, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz

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and Spiegel because Spiegel's method of representing the number of visits to a particular Web resource allows users to identify popular resources.

16. As per claim 9, Lefkowitz teaches the method wherein the set of links to the plurality of separate Web pages are unrelated to the first Web page (*linked to other web page sites*) (col. 3, lines 1-5).

17. As per claim 10, Spiegel teaches the method wherein the representations of the number of visits to the separate Web pages includes a graphical representation (*items are displayed (indicates a graphical representation)*) (col. 2, lines 28-35).

18. As per claim 11, Lefkowitz teaches the method wherein in response to a selection of one of the set of links to the plurality of separate Web pages, a Web page corresponding to the selected link is provided (*web site is imported*) (col. 1, lines 65-col. 2, line 3).

19. As per claim 12, Lefkowitz and Spiegel do not specifically teach the method wherein the set of links to the plurality of separate Web pages are displayed in response to paying a fee. Official notice is given that in the e-commerce environment it is well known in the art for merchants who wish to advertise products to pay an advertisement fee. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of this feature with Lefkowitz's and Spiegel's methods because it increases the profitability of the system.



20. As per claim 13, Lefkowitz teaches the method wherein the set of links to the plurality of separate Web pages are related to the first Web page based on a predetermined basis (*sub-graphical regions are position (predetermined)*) (col. 1, lines 60-65).

21. As per claim 14, Lefkowitz teaches the method of displaying the second 3D module interface including a set of links to the plurality of separate Web pages (col. 3, lines 1-6). Lefkowitz and Spiegel do not teach the step of including scrolling in the second 3D module interface across a display of a client computer. Official notice is given that including scrolling in the second 3D module interface across a display of a client computer is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of this feature with Lefkowitz's and Spiegel's invention because scrolling allows a user to navigate across the interface display and view the portions of the display that are otherwise not viewable.

22. As per claims 15 and 16, Lefkowitz and Spiegel do not specifically teach the method wherein the representation of the number of visits to a Web page includes multiple icons corresponding to a number of visits to a web page or wherein a icon has a graphical representation corresponding to a subject matter of a respective web page. Official notice is given that it would have been obvious to one of ordinary skill in the art at the invention was made to represent the number of visits to a Web page through the use of icons because it assists users in quickly determining "popular" or frequently visited pages visually.

23. As per claims 17-25 and claims 26-34, they are the system and machine-readable media claims, respectively, of claims 8-16 and are thus rejected under the same rationale.

*Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Krishan et al., US-6,442,529
- b. DeLeeuw et al., US-6,151,030
- c. Kikinis, US-6,205,485
- d. Fano, US-6,317,718
- e. Kramer et al., US-6,327,574
- f. Fritsch, US-6,233,682
- g. Wong et al., US-5,890,175
- h. Rodkin et al., US-6,092,074
- i. Musgrove et al, US-6,535,880
- j. Schileru-Key, US-6,580,441
- k. Johnson, US-6,052,670

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

June 27, 2003

*Kristine Kincaid*

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